



2013-238-E

2,445,891

244600-Confidential

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June 11, 2013

The Honorable Jocelyn Boyd  
Chief Clerk and Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
P. O. Drawer 11649  
Columbia, South Carolina 29211

RECEIVED

JUN 11 2013

PSC SC  
MAIL / DMS

Re: Electric Service Agreement – Continental Tire the Americas LLC  
SCPSC Docket No. 2013-XXX-E

Dear Ms. Boyd:

In accordance with S.C. Code Ann. Regs. 103-303 and 103-804(Y)(2), Duke Energy Progress, Inc. ("Company" or "DEP") files herewith for approval an Application for the Supply of Electricity between Company and a new customer, Continental Tire the Americas LLC ("Continental Tire"). This Service Agreement governs electric service to Continental Tire's plant in Sumter, South Carolina. Continental Tire intends to operate a tire manufacturing facility.

Because of the commercial sensitivity and proprietary nature of certain provisions of this Service Agreement as well as the highly competitive nature of the industry in which Continental Tire operates, the Company and Continental Tire respectfully request that this Service Agreement be received in its original form under seal for Commission review. An affidavit executed by Mr. Robert J. Patton, Assistant Secretary for Continental Tire the Americas LLC, is attached in support of this request for confidential treatment.

I therefore enclose the following:

(1) I am providing a redacted copy of the Service Agreement for filing. This redacted copy can be maintained in the Commission's publicly available files and may be disclosed upon request pursuant to the Commission's general procedures under S.C. Code Ann. Regs. 103-804(Y) and the Freedom of Information Act.

(2) By copy of this letter, the Company is providing the Office of Regulatory Staff ("ORS") with a redacted copy of the Service Agreement for its records. Additionally, DEP will make the original, unredacted copy of the Service Agreement available for ORS's inspection subject to the provisions of S.C. Code Ann. §58-4-55(C). Pursuant to this section, the Service Agreement is exempt from disclosure under the Freedom of

Information Act. Further, the ORS is precluded from disclosing the information obtained from its review to any other person or entity.

The Company is also sending to the Commission via overnight delivery the original Service Agreement in a sealed envelope marked "CONFIDENTIAL." Each page of the Service Agreement is also marked "CONFIDENTIAL." The Company requests that the Commission treat the Service Agreement and all copies thereof as confidential and proprietary, and is providing the Service Agreement with the expectation that it is exempt from disclosure to any third parties, including but not limited to exemption from disclosure under the Freedom of Information Act, S.C. Code Ann. §§30-4-10 et seq., or any other provision of law. *See, e.g., S.C. Code Ann. Regs. 103-303 and 103-804(Y).* The Company further requests that in the event that anyone should seek disclosure of this unredacted Service Agreement, the Commission give DEP notice of such request and provide it with an opportunity to obtain an order from this Commission or a court of competent jurisdiction protecting the Service Agreement from disclosure. The Company trusts that the Commission would support its efforts to protect the Service Agreement from disclosure. Continental Tire supports the Company's request for confidential protection.

The Company further requests that the unredacted (sealed) Service Agreement be returned to the Company subsequent to the Commission's consideration. Although DEP prefers that the Commission not make any copies of the unredacted Service Agreement, it further requests that should any copies of the unredacted Service Agreement be made, the Commission provide certification either that all such copies have been destroyed or that all copies have been returned to DEP.

Additionally, DEP respectfully requests that the matter be placed upon the agenda for the Commission's consideration at its next scheduled meeting. The Company anticipates that ORS will provide the Commission with comments prior to that meeting. If you have any questions regarding this Service Agreement, please do not hesitate to call me at your convenience. Thank you for your attention to this matter.

With kind regards,

  
Timika Shafeek-Horton  
Deputy General Counsel

BLF/gw

Attachments

cc: Mr. Dan F. Arnett - Office of Regulatory Staff  
Mr. John W. Flitter - Director of Electric and Gas Regulation